

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH STAFFORD, an individual,	)	2:04-cv-0047-GEB-PAN
Plaintiff,	)	
	)	<u>RESPONSE TO PARTIES' REQUEST</u>
v.	)	<u>FOR ASSIGNMENT OF SETTLEMENT</u>
	)	<u>JUDGE</u>
UNITED TREASURES, INC., a	)	
Washington corporation,	)	
Defendant.	)	
_____	)	

On August 26, 2005, the parties filed a Stipulation and Proposed Order ("Stipulation") intended to effectuate having a magistrate judge preside over a settlement conference in this action. The parties state in the Stipulation that their previously filed request for a settlement conference judge was denied "because of the proximity of the trial date." (Stipulation at 1.) The parties indicate since "the trial was re-set on August 24 to begin on October 4, 2005," there is now enough time for a settlement conference to be scheduled.

Unfortunately, the time gap between now and the rescheduled trial may not provide a magistrate judge sufficient time to serve as settlement judge in this action in light of other matters on a

1 magistrate judge's docket; just 35 days exist between now and the  
2 trial commencement date. I consider a three month gap sufficient for  
3 selection of a settlement judge from the Clerk's Office "Automated  
4 Case Assignment System," but that system will not be used because of  
5 the closeness of the impending trial commencement date. Nor will I  
6 contact the assigned magistrate judge to ascertain if his docket  
7 permits him to preside over the parties' requested settlement  
8 conference. The parties, however, have leave to contact the courtroom  
9 duty clerk for the assigned magistrate judge to determine if his  
10 docket allows him to serve as settlement judge in this action. If  
11 this magistrate judge is unavailable, the parties will have to explore  
12 non-federal court options.

13 Dated: August 29, 2005

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15 /s/ Garland E. Burrell, Jr.  
16 GARLAND E. BURRELL, JR.  
United States District Judge  
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